

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEON LUCAS,

Plaintiff,

-against-

CYNTHIA BRANN, *Commissioner of the
Department of Correction,*

Defendant.
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MEMORANDUM DECISION AND
ORDER

19 Civ. 9974 (GBD) (DF)

GEORGE B. DANIELS, District Judge:

Pro se Plaintiff Leon Lucas brought this action pursuant to 42 U.S.C. § 1983 against Defendant Cynthia Brann in October 2019. Plaintiff alleged that he was illegally detained in 24-hour lockdown at Riker’s Island prison facility while he was a young adult.

Before this Court is Magistrate Judge Debra Freeman’s September 18, 2020 Report and Recommendation (“Report”), recommending that this Court dismiss Plaintiff’s complaint for failure to prosecute. (Report, ECF No. 19, at 1.) Magistrate Judge Freeman advised the Plaintiff that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (*Id.*) No objections have been filed.

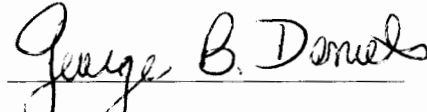
A court “may accept, reject, or modify, in whole or in part, the findings or recommendations” set forth in a magistrate judge’s report. 28 U.S.C. § 636(b)(1)(C). A magistrate judge’s report to which no objections are made is reviewed for clear error. *See Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citations omitted). Clear error is present only when “upon review of the entire record, [the court is] ‘left with the definite and firm conviction that a mistake has been committed.’” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006) (citation omitted).

Having reviewed the Report for clear error and finding none, this Court ADOPTS Magistrate Judge Freeman's Report and Recommendation in full. As outlined in the Report, Plaintiff was ordered to show cause by August 31, 2020 why Magistrate Judge Freeman should not recommend that the case be dismissed for failure to prosecute. (Report at 1.) As of the date of this opinion, Plaintiff has made no submission in response to that order. Plaintiff has had ample time to show cause for why this case should not be dismissed and has failed to do so. The complaint is dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to close the case.

Dated: New York, New York

October 28, 2021

SO ORDERED.



Handwritten signature of George B. Daniels in cursive script, written over a horizontal line.

GEORGE B. DANIELS

United States District Judge